

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STATE OF CALIFORNIA, et al.,

Plaintiff(s),

No. C 06-4333 PJH

v.

ORDER

INFINEON TECHNOLOGIES AG, et al.,

Defendant(s).

STATE OF NEW YORK,

Plaintiff,

No. C 06-6436 PJH

MICRON TECHNOLOGY, et al.,

Defendants.

These matters came before the court for hearing on defendants' administrative motion for an order enforcing the case management order, plaintiffs' motions for an order modifying the case management order so as to extend the fact discovery cutoff date, and for further case management conference. For the reasons stated on the record the court orders as follows:

1. Defendants' motion is GRANTED and the states' cross motion is DENIED. The July 16, 2007 fact discovery cutoff date will not be extended. However, plaintiffs may proceed with five of the third-party depositions noticed to take place on July 13, 2007. As two have already been taken, the three remaining depositions may be scheduled for a mutually convenient date.

2. New York's motion is DENIED. The July 16, 2007 fact discovery date will not be continued and as none of the nineteen third-party subpoenas for documents were timely noticed, they may not go forward.

1 3. Both New York and defendant's shall have thirty days from July 25, 2007 to
2 file any motions to compel the production of discovery, provided the discovery was the
3 subject of a formal discovery request prior to the cutoff date.

4 4. Both the states and defendants shall have thirty days from the agreed upon
5 date for production to file any motions to compel the production of discovery, provided the
6 discovery was the subject of a formal discovery request prior to the cutoff date. Judge
7 Spero will set a reasonable deadline for completion of any discovery that he approves or
8 orders.

9 5. Damages discovery has not been bifurcated from fact discovery, and as
10 such is subject to the fact discovery cutoff date. However, discovery pertaining to the
11 survey has been severed from other damages discovery because of its resemblance to
12 expert discovery, and may proceed on the different track established by Judge Spero, who
13 will also define the scope of discovery to be permitted to support and/or challenge the
14 survey.

15 **SO ORDERED.**

16 Dated: July 26, 2007



PHYLLIS J. HAMILTON
United States District Judge